

DENTISTRY EXAMINING BOARD
REGULAR MEETING
SEPTEMBER 6, 2000

MEMBERS PRESENT: Mark Curran, DDS; Nanette Kosydar Dreves, RDH; Beth Jacko-Clemence, RDH; Wilbur Gill, DDS; Bruce Barrette, DDS; Bruce Trimble, DDS; Richard Strand, DDS; David Carroll, RDH; Cynthia Riffle, DDS

MEMBER EXCUSED: Judith Ficks

LEGAL COUNSEL: Jacquelyn Rothstein

STAFF PRESENT: Patrick D. Braatz, Karen Rude-Evans

GUESTS: Cathy Schleis, RDH; Sandy Westenberger, Leslie Lord, and Cindi Due, WDHA; Mara Brooks, WDA

CALL TO ORDER

Chair Mark Curran called the meeting to order at 8:39 a.m. Dr. Curran introduced Cathy Schleis, RDH, to the Board. Ms. Schleis will be a new Board member after her confirmation.

APPROVAL OF AGENDA

Amendment: -Eugene Ambrose, DDS, will not appear. A proposed stipulation will be presented instead.

MOTION: Wilbur Gill moved, seconded by Beth Jacko-Clemence, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JULY 12, 2000

Amendment: -On page 5, under CASE STATUS REPORTS, in the third motion, Richard Strand abstained, and delete "unanimously".

MOTION: Cynthia Riffle moved, seconded by Nanette Kosydar Dreves, to approve the Minutes of July 12, 2000 as amended. Motion carried unanimously.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND
ADMINISTRATIVE RULES

These reports were informational.

ETHICS BOARD OPINION REGARDING BOARD MEMBERS TESTIFYING AS EXPERT WITNESSES

The Board noted this item with interest. The Ethics Board Opinion states it could be a conflict of interest if Board members serve as expert witnesses.

PROPOSED ADMINISTRATIVE RULES RELATING TO A SYSTEM OF REMEDATION FOR APPLICANTS WHO HAVE FAILED THE CLINICAL AND LABORATORY EXAMINATIONS THREE TIMES

This is a first draft and is open for modifications and changes. The rule is intended to be flexible. If a candidate has failed the examination(s) three times, the Board can determine the specific remediation necessary on a case by case basis.

MOTION: Wilbur Gill moved, seconded by Beth Jacko-Clemence, to send the draft rule to the legislative clearinghouse. Nanette Kosydar Dreves – no, Bruce Trimble – no. Motion carried.

SECRETARY CUMMINGS

Secretary Cummings was not available, however Deputy Secretary Bill Conway addressed the Board. Wilbur Gill expressed concern about DOE's apparent inability to handle serious cases expediently and with the appropriate outcome. Mr. Conway will look into this matter.

PRESENTATION OF PROPOSED STIPULATIONS

LAURA WIMMER, RDH

Attorney Steve Gloe presented a proposed stipulation in the matter regarding Laura Wimmer, RDH. This matter will be deliberated on in closed session.

KIRK D ALMENDINGER, DDS

Attorney Steve Gloe presented a proposed stipulation in the matter regarding Kirk D. Almendinger, DDS. This matter will be deliberated on in closed session.

EUGENE A AMBROSE, DDS

Attorney Steve Gloe presented a proposed stipulation in the matter regarding Eugene A. Ambrose, DDS. This matter will be deliberated on in closed session.

CORRESPONDENCE RELATING TO THE USE OF FLUORIDE VARNISH AND ITS APPLICATIONS FOR USE IN DENTISTRY

MOTION: Richard Strand moved, seconded by Bruce Barrette, to table the issue of fluoride varnishes based on the fact that there is no data substantiating the efficacy of fluoride varnishes and because it is not FDA approved for this purpose in the United States. Motion carried unanimously.

REVIEW OF VISION STATEMENT AND GOALS OF THE DENTISTRY EXAMINING BOARD

MOTION: Wilbur Gill moved, seconded by Beth Jacko-Clemence, to direct the Department to formalize this into a document to be brought back to the Board in the future. Motion carried unanimously.

AMENDED AND RESTATED BYLAWS OF CRDTS

This item was informational. Cynthia Riffle commented that she feels that members of the Examination Review Committee (ERC) should be appointed to ensure that qualified individuals are serving. The ERC voted on this issue, but it failed by a close margin.

CRDTS APPROVAL OF WREB

Richard Strand was a part of the July 25, 2000 conference call to approve WREB.

MOTION: Richard Strand moved, seconded by Wilbur Gill, to accept WREB as equivalent to CRDTS effective January 1, 2001 for initial licensure. Motion carried unanimously.

MOTION: Cynthia Riffle moved, seconded by Richard Strand, to continue to recognize WREB as equivalent to CRDTS for licensure by endorsement as written in DE 2.04. Motion carried unanimously.

MOTION: Richard Strand moved, seconded by Cynthia, to direct the Board's delegate to CRDTS to have CRDTS and WREB exchange information regarding their examination process based on the draft (Guidance for Dental and Dental Hygiene Examination) to ensure continued documentation of the examinations' equivalency. Motion carried unanimously.

CRDTS UPDATE

Cynthia Riffle reported that there was a water main break in Kansas City during the examination. Due to this inconvenience, the examinees were given the opportunity to retest, at no charge, at Northwestern. Only one candidate failed the exam given at Northwestern.

FACTS ON DENTAL LICENSURE – APRIL 2000

This item was informational.

INFORMATION ON EDUCATION AND LICENSURE – JUNE 2000

This item was informational.

DENTAL CARE ACCESS COMMITTEE

Jacquelynn Rothstein is the Department's liaison to this committee. The first meeting was held September 5, 2000. The next meeting is a public hearing scheduled for Tuesday, September 26, 2000 at 1:30 p.m., in room 417 North at the State Capitol.

RECESS TO CLOSED SESSION

MOTION: Bruce Barrette moved, seconded by Nanette Kosydar Dreves, to allow Cathy Schleis to sit in on closed session, even though she is not allowed to vote. Motion carried unanimously.

MOTION: Beth Jacko-Clemence moved, seconded by Cynthia Riffle, to recess to closed session pursuant to Chapter 19.85(1)(a), (b), (f) and (g), Wis. Stats., for the purpose of deliberation of proposed stipulations, deliberation of a proposed decision, reviewing a re-registration application, considering requests for three- month stays of suspensions and changes in board orders, considering a request for approval of a practice monitor, considering an administrative warning, reviewing case status reports, meeting with the Division of Enforcement and consulting with legal counsel. Roll call vote: Mark Curran – yes, Nanette Kosydar Dreves – yes, Beth Jacko-Clemence – yes, Wilbur Gill – yes, Bruce Barrette- yes, Bruce Trimble – yes, David Carroll – yes, Cynthia Riffle – yes, Richard Strand - yes. Motion carried unanimously.

Open session recessed at 11:16 a.m.

RECONVENE IN OPEN SESSION

MOTION: Beth Jacko-Clemence moved, seconded by Cynthia Riffle, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 1:41 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

PERSONAL APPEARANCE

MICHAEL FISHER, DDS

MOTION: Wilbur Gill moved, seconded by Nanette Kosydar Dreves, to grant a four-month stay of suspension and modification of the Order to no personal appearances unless directed by the Board to Michael Fisher, DDS, however Dr. Fisher must appear before the Board at the end of his monitoring period. Motion carried unanimously.

STAYS OF SUSPENSIONS/CHANGES IN BOARD ORDERS

VALI KIAIE, DDS

MOTION: Wilbur Gill moved, seconded by Nanette Kosydar Dreves, to grant a three-month stay of suspension to Vali Kiaie, DDS, and to allow Dr. Kiaie to apply for a DEA number for Schedule IV and V medications only. Dr. Kiaie must keep a prescription log and submit the log to the department monitor on a quarterly basis. Bruce Barrette – no, Richard Strand – no, David Carroll – no, Mark Curran – no. Motion carried.

JAMES MARKENSON, DDS

MOTION: Nanette Kosydar Dreves moved, seconded by Beth Jacko-Clemence, to grant a three-month stay of suspension to James Markenson, DDS. Motion carried unanimously.

CRAIG MOON, DDS

MOTION: Richard Strand moved, seconded by Bruce Barrette, to deny the request for a three-month stay of suspension to Craig Moon, DDS, for non-compliance. Motion carried unanimously.

MOTION: Richard Strand moved, seconded by Cynthia Riffle, to send a letter to Dr. Engel at PRN that the Board is concerned about PRN's procedures regarding urine samples. Motion carried unanimously.

ADMINISTRATIVE WARNING

KORY WEGNER, DDS

MOTION: Richard Strand moved, seconded by Nanette Kosydar Dreves, to issue an administrative warning in the matter concerning Kory Wegner, DDS. Motion carried unanimously.

RE-REGISTRATION APPLICATION

WENDY KAY HANSON, RDH

MOTION: Bruce Trimble moved, seconded by David Carroll, to approve the re-registration application of Wendy Kay Hanson, RDH. Motion carried unanimously.

PROPOSED STIPULATIONS

LAURA J WIMMER, RDH

MOTION: Richard Strand moved, seconded by David Carroll, to reject the proposed stipulation in the matter concerning Laura J. Wimmer, RDH, and return it to DOE for a change in forfeiture to \$500.00. Case Advisor – Judith Ficks. Motion carried unanimously.

KIRK D ALMENDINGER DDS

MOTION: Wilbur Gill moved, seconded by Nanette Kosydar Dreves, to adopt the Findings of Fact, Conclusions of Law and the Order in the matter concerning Kirk D. Almendinger, DDS. Case Advisor – Cynthia Riffle was absent during deliberation and abstained from voting. Motion carried.

GILBERT CALLAHAN, DDS

MOTION: Wilbur Gill moved, seconded by Richard Strand, to adopt the Findings of Fact, Conclusions of Law and the Order in the matter concerning Gilbert Callahan, DDS. Bruce Trimble – no. Motion carried.

EUGENE AMBROSE, DDS

MOTION: Nanette Kosydar Dreves moved, seconded by Richard Strand, to adopt the Findings of Fact, Conclusions of Law and the Order in the matter concerning Eugene Ambrose, DDS. Case Advisor – David Carroll was absent during deliberation and abstained from voting. Motion carried.

APPROVAL OF PRACTICE MONITOR

A WILLIAM GLOYECK, DDS

MOTION: Bruce Barrette moved, seconded by Beth Jacko-Clemence, to approve A. Charles Exner, DDS, as the practice monitor for A. William Gloyeck, DDS. Cynthia Riffle abstained. Motion carried.

CASE STATUS REPORTS

MOTION: Cynthia Riffle moved, seconded by Beth Jacko-Clemence, to close complaint **99 DEN 089** for no violation. Case Advisor – Bruce Trimble. Motion carried unanimously.

MOTION: David Carroll moved, seconded by Richard Strand, to close complaint **95 DEN 141** administratively. Case Advisor – Bruce Barrette. Motion carried unanimously.

MOTION: Beth Jacko-Clemence moved, seconded by David Carroll, to close complaint **99 DEN 098** administratively. Case Advisor – Mark Curran. Motion carried unanimously.

MOTION: David Carroll moved, seconded by Beth Jacko-Clemence, to close complaint **00 DEN 016** for insufficient evidence. Case Advisor – Wilbur Gill. Motion carried unanimously.

MOTION: Bruce Barrette moved, seconded by Cynthia Riffle, to close complaint **00 DEN 022** for no violation. Case Advisor – Bruce Trimble. Motion carried unanimously.

MOTION: Beth Jacko-Clemence moved, seconded by David Carroll, to close complaint **00 DEN 028** for no violation. Case Advisor – Bruce Trimble. Mark Curran - no. Motion carried.

MOTION: Cynthia Riffle moved, seconded by Beth Jacko-Clemence, to close complaint **98 DEN 029** for no violation. Case Advisor – Bruce Trimble. Motion carried unanimously.

INFORMATIONAL ITEMS

Nanette Kosydar Dreves will be teaching DOE attorneys and investigative staff about basic dental terminology and practice on November 2, 2000 from 8:00 a.m. to noon.

ADJOURNMENT

MOTION: David Carroll moved, seconded by Cynthia Riffle to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:00 p.m.

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